City of Olathe
Independent Citizens’
Street Maintenance Sales Tax (SMST)
Finance Oversight Committee Charter

On November 12, 2013 the citizens of Olathe approved the implementation of a 3/8 percent street maintenance sales tax. The purpose of the sales tax revenue is to finance the cost of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City of Olathe.

Mission: The SMST Citizens’ Finance Oversight Committee is an advisory body tasked with the review of the 3/8 cent sales tax-related revenues and expenditures during its term (April 2014 – March 2024). The Committee shall report their findings annually to the City Council. Committee members do not make decisions on the use of SMST funds, but they are responsible for informing the Council and monitoring the street maintenance sales tax expenditures to ensure they are made in accordance with the referendum.

SMST Referendum:

Shall the City of Olathe Kansas, pursuant to the provisions of K.S.A. 12-187, be authorized to levy a three-eighths of one percent (.375%) special purpose citywide retailers’ sales tax within the City of Olathe, Kansas; such additional tax, if approved by a majority of the electors voting thereon, to take effect on April 1, 2014, or as soon thereafter as permitted by law, and to end ten years after its commencement on March 31, 2024; the revenue from the additional tax be used for the sole purpose of financing, in whole or in part with any other funds, the cost of repairing, rebuilding, rehabilitating, upgrading and improving streets in the City of Olathe (the “Street Maintenance Program”); such program shall include the repair, reconstruction and rehabilitation of street pavement, curb and gutters, sidewalks and such other work as is necessary to maintain, repair, renew, upgrade and improve city streets; and be in addition to the one and one-eighth percent (1.125%) citywide retailers’ sales tax currently levied within the City?

Duties: To carry out its stated mission, the Committee shall perform the following duties:

- **Annually Review SMST Income and Expenditures:** The Committee shall review income and expenditure reports produced by the City to ensure that SMST revenues were expended consistently with the voter-approved street maintenance sales tax referendum.

- **Annual Report:** The Committee shall present to the City Council, in public session, an annual written report which shall include the following:
  - A statement summarizing the expenditures of the SMST revenues and compliance with the citizen approved referendum.
  - A Summary of the Committee’s proceedings and activities for the preceding year.
  - Copies of the document must be made widely available to the public at large.

Authorized Activities: In order to perform the duties, the Committee may engage in the following authorized activities:
• The Committee shall conduct at least one formal public meeting and issue an annual report to inform Olathe residents how the SMST funds are being spent in conformance with the referendum.
• Committee members may also review the annual financial or performance audits performed by the City’s independent auditor.
• No expenditures or requisitions for services and supplies shall be made by the Committee and no individual member shall be entitled to reimbursement for travel or other expenses except as authorized by the Council.

Membership: The Committee shall consist of seven (7) members, appointed by the Mayor with the consent of the remainder of the Governing Body, who are private citizens and shall neither be elected officials nor public employees from any agency that either oversees or benefits from the proceeds of the street maintenance sales tax. Membership shall be limited to Olathe residents without economic interest in any of the City’s projects. All members shall serve without compensation.

Terms: Each member shall serve a term of two (2) years, commencing on the date of the first meeting of the Committee. Initially, three members will be appointed for an initial one (1) year term. Thereafter, the members of the Committee shall be selected in the same manner as the member he or she is succeeding and the term of office shall be two years. Members may be reappointed but in no case shall a member serve more than four (4) complete successive terms. Each shall serve until a successor is appointed.

Meetings Open to the Public and Public Notice: All Committee proceedings shall be open to the public. Notices to the public shall be provided pursuant to the notice requirements Kansas Open Records Act (KORA).

Staff Support: The City shall provide to the Committee necessary technical and administrative assistance. The Resource Management staff shall provide assistance to the Committee by preparing and distributing the Committee’s agendas, notices, minutes, correspondence and other documents.

Meeting Schedule. The Committee will hold one formal meeting annually, with additional meetings scheduled as needed.

Quorum. A quorum shall consist of a majority of the members of the Committee.

Location. All meetings shall be held at Olathe City Hall, 100 E Santa Fe, Olathe, or such other site within the City agreed upon by the Committee without cost to the City.

Reports and Minutes. The Committee shall issue regular reports on the results of its activities. A report shall be issued at least once a year from the establishment of the Committee. Minutes of the proceedings of the Committee and all documents received and reports issued shall be a matter of public record and shall be made available on an Internet website maintained by the City.

Removal of Members; Vacancy. The Mayor, with the consent of the remaining members of the Governing Body, may remove any appointed Committee member at any time for good and sufficient cause. Cause shall include, but be not limited to, violations of the conflict of interest laws, any violation of any applicable law, regulation or policy, neglect of duty, and failure to comply with the city’s attendance policy.
Subcommittees. The Committee may form subcommittees for a specific task and for a specific period of time. Any subcommittee shall report to the Committee. The Chair shall serve as ex-officio member on any subcommittee. Subcommittee meetings shall be noticed and open to the public.

Officers. The Mayor, with the consent of the Council, may appoint at any time, a Chair and a Vice Chair who shall carry out the duties and responsibilities as follows:

- **Duties of the Chair.** The Chair shall preside at all meetings of the Committee and may sign letters, reports, or other communications on behalf of the Committee. The Chair also serves as the spokesperson and representative to the City Council on behalf of the Committee.

- **Duties of the Vice Chair.** The Vice-Chair shall assume the duties of the Chair in the absence of the Chair. The Vice-Chair shall also be responsible for such duties as may be assigned by the Chair.

Termination of Committee. The Committee shall automatically terminate and disband concurrently with the Committee’s submission of the final Annual Report, which reflects the final accounting of the expenditure of all SMST monies.